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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/577,190
Filing Date: May 23, 2000
Appellant(s): LIN-HENDEL, CATHERINE

Anatoly S. Weiser
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/01/2010 appealing from the Office action mailed 12/01/2009.

Art Unit: 2179

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-22, 29-54 are rejected and pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,742,768	Gennaro et al.	4-1998
6,091,415	Chang et al.	11-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-22, 29-54 are rejected under 35 USC 103(a) as being unpatentable over Gennaro et al. (hereinafter Gennaro) U.S. Patent No. 5742768 issued Apr. 21, 1998, in view of Chang et al. (hereinafter Chang) U.S. Patent No. 6091415 filed Nov. 4, 1997.

With regard to **Independent claim 1**, Gennaro teaches a system for navigating and browsing electronic media, comprising:

- *A device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels* (Gennaro figure 1 and figure 2b and column 3, lines 25-42 and 57-67). Gennaro teaches at least displaying **a portion of a structure** using a memory device capable of displaying an embedded menu within a webpage. The menu contains a structure categorized by function. Each function has one or more sub-categories of information as shown in figure 2b, therefore a structure can be browsed.
- *Each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on a storage device* (Gennaro column 4, lines 30-54 and column 5, lines 27-41 and column 6, lines 5-19) Gennaro teaches a menu with selections to access content on a memory device (See column 3, lines 25-41).
- *Each category title having a selectable link-token to the stored content for said each category title*, (Gennaro column 4, lines 42-53) Gennaro shows the links stored underneath the "who we are" option that direct the user to the related "corporate

Art Unit: 2179

overview" site. The links shown have a stored URL location to a specific site related to the category of "who we are" therefore they are considered a link-token.

- *Each category title also being coupled to the category title's hidden nested subcategory structure of said each category title, the hidden nested sub-category structure of said category title comprising link tokens of category titles comprised in said each category title_and the category titles in the different plurality of category levels able to be browsed independently of having to select and retrieve the stored content for any title from the storage device* (Gennaro figure 2b and column 4, lines 40-55) Gennaro shows under each title there is a hidden nested category structure. Under the "Global sites" link the user cannot see the links while they are viewing the "who we are" information but the information nonetheless is present. Gennaro expressly teaches allowing the user to scan the nested structure without linking to the web pages. The scanning is performed by allowing the user to position the pointer over each menu to display the underlying structure. Therefore, in figure 2b and 3b, the user can move the pointer from menu to menu and the system would display each category title independent of having to perform both select and retrieve from the storage device (See column 4, lines 60-67).
- Wherein the categorization structure enables a user viewing content from **any** category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieve command (See column 4, lines 40-67 and column 5, lines 25-43 and figure 4). Gennaro specifically teaches a process of allowing the user to move the mouse over the menu options, without retrieving a webpage, to view the different menu items. Gennaro allows the user to view any category from any other category with a simple mouse movement and when the user wants to access the given web page then they click on it, which is a single retrieval command. Gennaro suggests the embedding of a menu and the modification of the Java language to allow for multiple links to be tied to a single action in web page (see column 6, lines 20-40). Therefore, by providing access to multiple links, the user can browse any title in the structure by placing

Art Unit: 2179

their pointer on the embedded menu. It is noted that the menu for the entire page is provided by a single applet. Additional applets may be provided once the user has clicked to retrieve a page .

Gennaro does not expressly recite:

- Displaying at least a portion of a structure for **substantially all of a website**

Gennaro teaches a system that allows the user to browser a category of menu items by placing the pointer over the menu. Gennaro shows in figure 3b, a plurality of nested links from a menu, which allows the user to scan the structure. Gennaro suggests the **technical advantage of browsing using embedded menus for the purposes of scanning content without linking**(See column 4, lines 54-67). Additionally, Gennaro suggests additional functions that applets provide within the browser window that can provide the **user with options within the window** that can provide a menu with selectable options to view substantially all of the pages structure. However, an example is not provided for this suggested option. Chang teaches a menu that allows the user to view substantially the entire website with a similar no selection technique. Chang teaches the user can move the mouse pointer over hyperlink selections and the user is presented with the hidden structure. The user can browse up, down, backwards and forward in the structure to view the titles from a category title (See figure 4a, 4b, 5a-d, 6a-6, 7a, 7b, and 8). Figure 8 shows the user can browse and the database is only accessed initially to present the menu and after an actual selection. Chang teaches the display of menus (See column 1, lines 55-60). Chang teaches and shows the user can move from one level to the next while the structure is displayed to the user (See column 6,lines 64-67 and column 7,lines 1-67 and column 9, lines 65-67 and column 10, lines 1-20 and column 12, lines 10-55). Chang and Gennaro both teach a process of mouse over events to view a structure. They both teach the display of menus and providing the advantage of browsing without linking to reduce browse time and to make it easier for the user to get to the destination of choice while displaying the path or options to the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gennaro with Chang to specifically teach that substantially all of a website structure can be displayed as plurality of nested categories. The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

With respect to **dependent claim 2**, Gennaro teaches a system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path, the system comprising a computer configured to display to a user pages of content within an inter-linked content structure having a textual table format comprising at least three category levels, and to enable the user to retrieve at will with one single click any desired content page within inter-linked content structure (Gennaro column 4, lines 30-54 and column 5, lines 27-41 and column 6, lines 5-19). Gennaro expressly teaches allowing the user to browse through the content that is interlinked with at least three levels and retrieve the information with a single click. The information shown is text and tabular. In the alternative, Chang teaches a textual table format (See Figure 5a and 7a). The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67) and can display the information as a table.

Art Unit: 2179

With respect to **dependent claim 3**, Gennaro teaches the *system wherein link tokens of one or more category titles in a first category level of the plurality of nested cascading category levels are displayed for viewing on a display device in response to placing a cursor on a starting symbol representing a gateway to viewing the categorization structure displayed on the display device, without clicking* (Gennaro column 4, lines 30-54 and column 5, lines 27-41 and column 6, lines 5-19). Gennaro expressly teaches moving the mouse over the embedded menu, which displays the hidden information below the level. The symbol is the hot spots 44 that are shown in figure 2b as highlighted when selected. The user does not have to click to see the menu, as shown in 2b (See also figure 4). In the alternative, the links of Chang teach a headword to access content related to the word. By placing the cursor over the word the structure is displayed beneath it (See figure 4a, 5a and 7b). The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

With respect to **dependent claim 4**, Gennaro teaches the *system, wherein the link-tokens of one or more category titles in the first category level are displayed on the display device underneath the starting text-string or a symbol representing the gateway to viewing the categorization structure* (Gennaro figure 2b).

With respect to **dependent claim 5**, Gennaro teaches the *system wherein placing the cursor on one link-token of the link-tokens of one or more category titles in the first category level causes the title to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level* (Gennaro column

Art Unit: 2179

4, lines 30-55 and figure 2b). Gennaro shows the link as highlighted and the menu displayed as a second level 48.

With respect to **dependent claim 6**, Gennaro teaches the *system wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other* (Gennaro figure 2b). Gennaro shows the titles displayed in area 40, one under the other 44.

With respect to **dependent claim 7**, Gennaro teaches the *system wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other* (Gennaro figure 2b, 42, 46, 48).

With respect to **dependent claim 8**, Gennaro teaches the *system, wherein placing the cursor on one of the category titles displayed in the second category level causes said title to be highlighted and causes a third category level having a third plurality of category titles to be displayed alongside the second category level, the plurality of titles in the third category level being sub-categories of the highlighted title displayed in the second category level* (Gennaro figure 2b and column 4, lines 30-67). Gennaro shows and teaches a first, second or multiple levels can be displayed. Gennaro shows the selected item as highlighted 42. In the alternative, Gennaro suggests that multiple levels can be displayed but shows a first and a second level. Chang teaches showing any number of levels under a given link can be shown (Finseth figures 4a, 5a, 7a etc and column 10, lines 1-20). The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

With respect to **dependent claims 9-10**, as indicated above Gennaro teaches every limitation of claim 1.

Art Unit: 2179

Gennaro does not expressly teach the *system wherein the system has a selectable number of category levels* (Finseth column 10, lines 9-30). However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Chang, because Chang allows the user to customize the presentation of search information displayed within the window. Chang teaches showing any number of levels under a given link can be shown (Finseth figures 4a, 5a, 7a etc and column 10, lines 1-20). The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

With respect to **dependent claim 11**, Gennaro teaches the *system, wherein the system is implemented using software* (column 3, lines 20-57).

With respect to **dependent claims 12 and 13**, Gennaro teaches the system wherein when the cursor is moved from a category level having a plurality of category titles which are sub-categories of a title in a higher category level, the category level with the plurality of sub-category titles and all subsequent category levels cease to be displayed on the display device (column 6, lines 5-20 and figure 4).

With respect to **dependent claim 14**, Gennaro teaches the *system wherein a browser can browse the categorization structure independently of any media content displayed on the display device*. ((Column 4, lines 54-67 and column 5, lines 1-20).

With respect to **dependent claim 15**, Gennaro teaches the *system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to select and retrieve a page of media content from the storage device and without*

Art Unit: 2179

having to navigate back and forth between different pages of media content (column 4, lines 54-67 and column 5, lines 1-20).

With respect to **dependent claim 16**, Gennaro teaches the *system wherein the categorization structure resides with the pages of media content but is not displayed on the display device with the media content until a browser places the cursor on the starting symbol* (column 4, lines 54-67 and column 5, lines 1-20, compare figure 2a and 2b).

With respect to **dependent claim 17**, Gennaro teaches the *system wherein the media content are the pages of a web site* (figure 2a and 2b and column 3, lines 42-63).

With respect to **dependent claim 18**, Gennaro teaches the *system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to down load a web page from the storage device and without having to navigate back and forth between different web pages* (column 4, lines 54-67 and column 5, lines 1-20, compare figure 2a and 2b).

With respect to **dependent claim 19**, Gennaro teaches the *system wherein the categorization structure resides with the web pages but is not displayed on the display device with the web pages until a browser places the cursor on the starting symbol* (column 4, lines 54-67 and column 5, lines 1-20, compare figure 2a and 2b and column 3, lines 40-67).

With respect to **dependent claim 20**, Gennaro teaches the *system wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure* (column 4, lines 54-67 and column 5, lines 1-20, compare figure 2a and 2b and column 5, lines 25-40).

With respect to **dependent claim 21**, Gennaro teaches the *system wherein a browser can move from a first or any category title in a particular level to any other title in the same level of the categorization tree structure* (column 4, lines 54-67 and column 5, lines 1-20, compare figure 2a and 2b).

In regard to **Independent claim 22**, Gennaro teaches a *system for navigating and browsing electronic media, comprising:*

Art Unit: 2179

- *A device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization tree structure having a plurality of cascading category lists*(Gennaro figure 1 and figure 2b and column 3, lines 25-42 and 57-67).

Gennaro teaches at least displaying **a portion of a structure** using a memory device capable of displaying an embedded menu within a webpage. The menu contains a structure categorized by function. Each function has one or more sub-categories of information as shown in figure 2b, therefore a structure can be browsed.

- *Each category list of the plurality of nested cascading category lists comprising a plurality of category titles of electronic media content stored on a storage device* (Gennaro column 4, lines 30-54 and column 5, lines 27-41 and column 6, lines 5-19) Gennaro teaches a menu with selections to access content on a memory device (See column 3, lines 25-41).
- *Each category title having a selectable link-token to the stored content for said each category title*, (Gennaro column 4, lines 42-53) Gennaro shows the links stored underneath the "who we are" option that direct the user to the related "corporate overview" site. The links shown have a stored URL location to a specific site related to the category of "who we are" therefore they are considered a link-token.
- *Wherein the device is configured to display one or more link-tokens stored content file for said each category title in response to placement of a cursor on the selectable link-token of said category title without clicking on or invocation of the selectable link-token of said category title, whereby the system enables the category titles in the different plurality of category, lists to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device* (Gennaro figure 2b and column 4, lines 40-55) Gennaro shows under each title there is a hidden nested category structure. Under the "Global sites" link the user cannot see the links while they are viewing the "who we are" information but the information nonetheless is present. Gennaro expressly teaches allowing the user to **scan** the nested structure without linking to the web pages. The scanning is performed by allowing the user to position the pointer

Art Unit: 2179

over each menu to display the underlying structure. Therefore, in figure 2b and 3b, the user can move the pointer from menu to menu and the system would display each category title independent of having to perform both select and retrieve from the storage device (See column 4, lines 60-67).

- Wherein the categorization structure enables a user viewing content from **any** category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieve command (See column 4, lines 40-67 and column 5, lines 25-43 and figure 4). Gennaro specifically teaches a process of allowing the user to move the mouse over the menu options, without retrieving a webpage, to view the different menu items. Gennaro allows the user to view any category from any other category with a simple mouse movement and when the user wants to access the given web page then they click on it, which is a single retrieval command. Gennaro suggests the embedding of a menu and the modification of the Java language to allow for multiple links to be tied to a single action in web page (see column 6, lines 20-40). Therefore, by providing access to multiple links, the user can browse any title in the structure by placing their pointer on the embedded menu. It is noted that the menu for the entire page is provided by a single applet. Additional applets may be provided once the user has clicked to retrieve a page .

Gennaro does not expressly recite:

- Displaying at least a portion of a structure for **substantially all of a website**

Gennaro teaches a system that allows the user to browser a category of menu items by placing the pointer over the menu. Gennaro shows in figure 3b, a plurality of nested links from a menu, which allows the user to scan the structure. Gennaro suggests the **technical advantage of browsing using embedded menus for the purposes of scanning content without linking**(See column 4,

Art Unit: 2179

lines 54-67). Additionally, Gennaro suggests additional functions that applets provide within the browser window that can provide the **user with options within the window** that can provide a menu with selectable options to view substantially all of the pages structure. However, an example is not provided for this suggested option. Chang teaches a menu that allows the user to view substantially the entire website with a similar no selection technique. Chang teaches the user can move the mouse pointer over hyperlink selections and the user is presented with the hidden structure. The user can browse up, down, backwards and forward in the structure to view the titles from a category title (See figure 4a, 4b, 5a-d, 6a-6, 7a, 7b, and 8). Figure 8 shows the user can browse and the database is only accessed initially to present the menu and after an actual selection. Chang teaches the display of menus (See column 1, lines 55-60). Chang teaches and shows the user can move from one level to the next while the structure is displayed to the user (See column 6, lines 64-67 and column 7, lines 1-67 and column 9, lines 65-67 and column 10, lines 1-20 and column 12, lines 10-55). Chang and Gennaro both teach a process of mouse over events to view a structure. They both teach the display of menus and providing the advantage of browsing without linking to reduce browse time and to make it easier for the user to get to the destination of choice while displaying the path or options to the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gennaro with Chang to specifically teach that substantially all of a website structure can be displayed as plurality of nested categories. The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

Art Unit: 2179

In regard to **Independent claim 29**, claim 29 incorporates substantially similar subject matter and claim 1, and in further view of the following, is rejected along the same rationale. Gennaro in view of Chang teaches a starting symbol (See figure 2b, 44, hotspots with a specific round symbol). Gennaro in view Chang shows a portion of the structure is displayed when the cursor moves over it (see column 4, lines 40-67). The user can with a single click return to any previous web page by moving the mouse over the menu and navigate to another of the linked pages because the windows of Gennaro implement a framed window with the menu displayed across the top when the desired URL is clicked allowing for the embedded menu to remain displayed to the user (See column 6, lines 20-34).

With respect to **dependent claim 30**, Gennaro teaches the structure is hidden from view and a subcategory structure is not displayed until a cursor rolls over a respective category title (See column 4, lines 40-67 and column 5, lines 25-43 and figure 2a-2b, 3a, 3b and 4).

In regard to **claims 31- 50**, claims 31-49, reflect substantially similar subject matter for performing the operations in system claims 1-21 by reciting the user interface used by the system of claims 1-21, respectively. Claims 31-50 are rejected, in further view of the following, along the same incorporated rationale of claims 1-21.

Gennaro teaches a cursor controlled by the user (See figure 2b) and the primary region 40 is responsive to navigation by the mouse (See figure 2a and 2b and column 4, lines 40-67). Second categories are displayed once the mouse is over a link (See figure 2b, 48). The content display region is shown once the user selects a link (see column 5, lines 50-67 and column 6, lines 5-35). Gennaro shows a tracking string that represents the path of the selection, where the location field provides a dual function of displaying the URL of the current location of the mouse along with the status bar (See column 4, lines 1-15). The tracking string is one displayed as the user rolls the mouse over the menu. The tracking string is displayed within the content display region and the pages are websites. The regions cease to be displayed when the cursor is moved from the menu (See column 3, lines 40-67

Art Unit: 2179

and column 4, lines 40-67). The links are displayed with a halo and highlighted as compared to the other links to indicate selection to the user when they roll over the menus (See figure 2b and column 4, lines 30—54). The symbol to enter the gateway is shown in figure 2b, 44. The subcategory menus are URL locations and consistent with the operation of displaying the first level tracking string the second and subsequent level strings are displayed in the location bar and the status bar and only displayed in response to movement by the cursor.

Gennaro does not expressly recite:

- Displaying at least a portion of a structure for **substantially all of a website and deselecting the link by moving the cursor**

Gennaro teaches a system that allows the user to browser a category of menu items by placing the pointer over the menu. Gennaro shows in figure 3b, a plurality of nested links from a menu, which allows the user to scan the structure. Gennaro suggests the **technical advantage of browsing using embedded menus for the purposes of scanning content without linking**(See column 4, lines 54-67). Additionally, Gennaro suggests additional functions that applets provide within the browser window that can provide the **user with options within the window** that can provide a menu with selectable options to view substantially all of the pages structure. However, an example is not provided for this suggested option. Chang teaches a menu that allows the user to view substantially the entire website with a similar no selection technique. Chang teaches the user can move the mouse pointer over hyperlink selections and the user is presented with the hidden structure. The user can browse up, down, backwards and forward in the structure to view the titles from a category title (See figure 4a, 4b, 5a-d, 6a-6, 7a, 7b, 8) and deselect by moving backward. Figure 8 shows the user can browse and the database is only accessed initially to present the menu and after an actual selection. Chang teaches the display of menus (See column 1, lines 55-60). Chang teaches and shows the user can move from one level to the next while the structure is displayed to the user (See column 6,lines

Art Unit: 2179

64-67 and column 7, lines 1-67 and column 9, lines 65-67 and column 10, lines 1-20 and column 12, lines 10-55). Chang and Gennaro both teach a process of mouse over events to view a structure. They both teach the display of menus and providing the advantage of browsing without linking to reduce browse time and to make it easier for the user to get to the destination of choice while displaying the path or options to the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gennaro with Chang to specifically teach that substantially all of a website structure can be displayed as plurality of nested categories. The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35). Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

In regard to **claim 51**, claims 51, reflects the method comprising computer readable instructions for performing the operations in system claim 1 and is rejected along the same rationale.

In regard to claims 52-54, reflects substantially the same subject matter as claim 1 and 31, respectively and in further view of the following are rejected along the same rationale.

Gennaro does not expressly recite:

- Displaying at least a portion of a structure for **substantially all of a website and deselecting the link by moving the cursor**

Art Unit: 2179

Gennaro teaches a system that allows the user to browser a category of menu items by placing the pointer over the menu. Gennaro shows in figure 3b, a plurality of nested links from a menu, which allows the user to scan the structure. Gennaro suggests the **technical advantage of browsing using embedded menus for the purposes of scanning content without linking**(See column 4, lines 54-67). Additionally, Gennaro suggests additional functions that applets provide within the browser window that can provide the **user with options within the window** that can provide a menu with selectable options to view substantially all of the pages structure. However, an example is not provided for this suggested option. Chang teaches a menu that allows the user to view substantially the entire website with a similar no selection technique. Chang teaches the user can move the mouse pointer over hyperlink selections and the user is presented with the hidden structure. The user can browse up, down, backwards and forward in the structure to view the titles from a category title (See figure 4a, 4b, 5a-d, 6a-6, 7a, 7b, 8) and deselect by moving backward. Figure 8 shows the user can browse and the database is only accessed initially to present the menu and after an actual selection. Chang teaches the display of menus (See column 1, lines 55-60). Chang teaches and shows the user can move from one level to the next while the structure is displayed to the user (See column 6, lines 64-67 and column 7, lines 1-67 and column 9, lines 65-67 and column 10, lines 1-20 and column 12, lines 10-55). Chang and Gennaro both teach a process of mouse over events to view a structure. They both teach the display of menus and providing the advantage of browsing without linking to reduce browse time and to make it easier for the user to get to the destination of choice while displaying the path or options to the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gennaro with Chang to specifically teach that substantially all of a website structure can be displayed as plurality of nested categories. The motivation to combine Chang with Gennaro comes from the suggestion in Chang to eliminate the burden on the user of having to click a mouse button frequently to access items in a drop down menu (See column 1, lines 25-35).

Art Unit: 2179

Moreover, Chang suggests modifying menu bars to which Gennaro discloses a menu bar (See Chang column 1, lines 25—67).

(10) Response to Argument

Beginning on page 13 of Appellant's brief (hereinafter Brief) Appellant argues specific issues, which are accordingly addressed below. Applicant has elected to group or argue the Independent claims with the corresponding dependent claims and thus the claims appear to stand or fall together and the Examiner will present arguments based on the elected groupings.

Claim 1

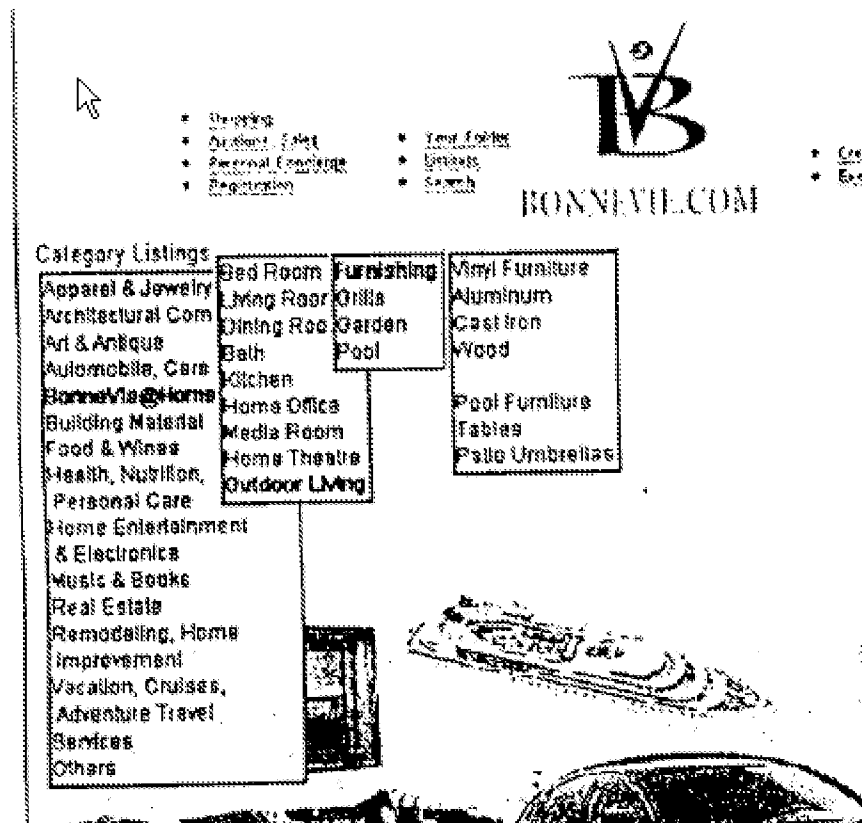
Appellant's argument that Gennaro does not teach the ability to retrieve content from any title from any other title

Appellant argues that there is no suggestion or disclosure that Gennaro allows selection as specified in the limitation "from a display content of any title in the categorization structure where the user can retrieve content from any other title within the structure using a single retrieval command because they argue the Gennaro reference **does not say that page 56 has a link back to the other pages or provides direct navigation to other pages** (See Brief, page 14, bottom thru page 15, bottom) or to lower level links or to pages from links of the same level.

The Examiner respectfully disagrees.

Art Unit: 2179

First, an example of claim 1 can be seen below, Fig. 6a-6e and 7a-7f which also finds support in the summary of subject matter of this Brief, Page 7, that refer to Para 23,24,35,36 and 42) for the argued limitation. The cited section shows a user interaction with the example category listings in a web page by moving a cursor over a series of menu items and nested items (See below):



As shown above, a representative figure 6e shows a culmination of user interaction by moving a mouse over the menus and the result of said action shown in figs. 6a-6d to interact with a set of categories displayed as a menu. As described in the present application specification, the user moves the mouse over a category and a submenu based on the selected menu item appears to the

Art Unit: 2179

right without the user clicking. This demonstration is a menuing concept with cascade menu structures. It is noted that for a user to move to another category structure they have to move the mouse back one or more levels as they desire and subsequently selecting a new structure using mouse movement.

Thus, while applicant argues that **"any structure title can be accessed based on a single command from any other page"** the examiner argues that this feature is overstated. The examiners position is that while the claims recite access from "any" other page, "the accessing or viewing in the claim" actually requires multiple steps of mouse movement to access any other structure. Evidence of this feature is clearly shown in Para 37 of the present application specification, as the disclosure states that " if the browser (e.g. user) wishes to examine different browsing paths before clicking all they need to do is to move the cursor to other categories at the same level or any other level. By rolling over a menu the action causes the next level category to appear". Thus navigation is clearly performed up and down the structure by mouse movement. Further, Fig. 6a-6e does not display or indicate that there may or may not be hidden structures under the other categories shown in figures 6a- 6e and the user cannot go directly to other titles without first performing multiple movements on the menu. As stated in Para 37, the user can move back one and go to another category in a sublevel to see the nested structure, which would allow access to other levels but only after mouse movement up/down or back the navigation path.

While the disclosure and the claim portrays accessing directly **any other title**, the simple point is that the user **cannot access any other structure without making several menu selections along another path and may not know or see any title from any other title**. Simply looking at figure 6a-6e shows this concept. Thus in stark contrast to applicant's argument on the top of page 16, that the prior art of Gennaro does not say accessing pages from any other page, the present application also does not specifically show viewing content from **any other** category title because not all of the titles are directly accessible from any other page without the user navigating via the mouse to other trees.

For example, in figures 6a-6e in order for the user to directly navigate to the Food & Wines menu from the "Vinyl Furniture" menu under the BonneVie@home/OutdoorLiving/Furnishing path the user would have to back track or move out of the menu and select Food &Wines and then navigate to another level, as they cannot **directly navigate to the sub-level or as applicant argues any other title**. The user also cannot see if there are other levels to know to navigate to the menu to access any other title. For example, the user cannot directly access the third level of "Home Entertainment", if it exists, without first moving the mouse into the first category pane, selecting "home entertainment", selecting a second level menu to get to the third level. Thus, the examiner asserts that the user of present application specification cannot simply select "any" page from another other page without navigating back along the

Art Unit: 2179

menu path to open a new submenu. In the rejection, the examiners position has been that Gennaro can navigate to any other structure by moving the mouse back and forth over the menus, in a very similar manner as disclosed in the present application. Therefore, the rejection is based on the understanding of the claim and the specification that to access or view a given category structure the user must move the pointer from menu to menu or back and forward to access a new structure, as applied to the claim which is consistent to subject matter disclosed in Para 37.

Second, a short discussion of "a categorization structure" as recited in the claims and representative drawings from the present application specification. The "categorization structure" in the claim does not appear to recite how many levels or how many items are in the structure for browsing media. The claim simply recites a "displaying portion of a structure for a website having a plurality of nested levels" is a structure for browsing media. Thus to meet the claim, the prior art need only demonstrate 2 or more levels in some categorical structure of media that allows the user to browse the media on a web site. Further, a reasonable interpretation of a media category and a structure can be a categorical set of items related to a media topic or media classification or genus of media. Additionally, allowing the user to select an item or title and the system were to show a second level structure of media items where each of the titles can be a media category, can be the process of a user moving a mouse about the

Art Unit: 2179

interface and on a path from menu item to menu item. Thus if at least one of these items is shown in the prior art then the prior art meets the structure of the claim.

Therefore issue of fact is to determine if Gennaro shows a media category structure with plural levels and allowing the user to access the plural levels of the media system via mouse movement and with a single retrieval command as recited in the claim and argued by Appellant.

The final action mailed 12/01/2009 shows:

1. Gennaro displaying a media categorization structure menu in Fig. 1 and 2b and Col. 3, lines 25-42. Gennaro shows a menu with categories of web pages that are media with the titles of "who we are", "Global sites", "Customer Support", "technology & Developers", "Serious Fun", and "Web Innovation". For each level the user can place the mouse over the menu and navigate to the sub-category levels. Each level represents a web page which can be considered media. Gennaro teaches the embedded menu provides a user with a plurality of links **through one action** in the displayed web page. One action as defined by Gennaro is the ability to allow the user to browse the content in the menu of a page **without linking to new pages**. Thus as shown in Fig. 2a and 2b the user can move the mouse over the menu options to see what

items are displayed underneath a given category without linking. Appellant argues the figure 3B shows the user not able to link to pages 56 to 58. However, this figure 3B is showing the new embedded menu system navigated by the user without a single click action for the purposes of navigating from menu to menu from page to page without linking to the page, thus saving time. In figure 3B the user need only move the mouse back up the menu tree to access any other page, or to move from page 58 to 56, which appears to be consistent with the present application specification.

2. Gennaro states that the menus can be one or more levels (See col. 4, lines 64-66).
3. Gennaro shows a menu that appears to have categories of information and submenus of related content (See fig. 2b, 46).
4. Gennaro teaches accessing the menu structures without linking to new pages by repositioning the pointer over each hot spot, which would allow the user to access "any other" title in the menus of Gennaro simply by moving the cursor over the hotspots and not until the user selects the menu item, will the content be retrieved, as shown in steps 82 and 84 of Figure 4, as referred to in the final action, See page 4, middle).

5. Appellant argues that Chang does not remedy the deficiency of Gennaro (See Brief page 16) for the limitation of "enabling a user viewing any content title in a structure to access any other title". In response the Examiner relied on Chang simply for the feature of modifying Gennaro to display substantially all of a website, which is in a different limitation of the claim. Further, substantially all of a website does not mean all of a given website and if the structure of Chang allows the user to see two levels of a menu on a website that has only two categories then Chang can be used to display substantially all of a website.

a. If however, the examiner had relied on Chang to access any other title, Chang teaches a system allowing a user to select a headword or **menu to access more information** from the system and the system will display a dialog box with information about the menu. The dialog box of Chang provides visual indications that submenus exist. The user can move the mouse over the dialog box items, without clicking and the dialog box will display the subordinate box. An icon indicates in the dialog boxes that there are other items related to the menu, as shown in Fig 3a and col. 6, lines 64-67 and col. 7, lines 1-32). Chang teaches the user moves the mouse over an icon in the dialog box and a

Art Unit: 2179

cascade dialog box related to the menu is displayed next to the parent box (See Fig. 6a and col. 9, lines 1-67 and col. 10, lines 1-19). Chang teaches the user does not have to "click" to open a dialog box or subsequent box (See col. 5, lines 64-67). Thus the user can navigate to any number of levels via the subordinate dialog boxes that visually indicate that the box and menu has more items, further enabling the user via mouse movements to "view" substantially the entire website (see also col. 10, lines 40-67). Chang specifically teaches a system that visually indicates when one or more subordinate menus exist. Thus the reasonable modification of the multiple level menus of Gennaro with the cascade menus of Chang displayed with indicator icons that via mouse movement only would allow the user to move from menu to menu viewing substantially all of the website as the system would indicate if the user had reached the end of one tree or that other levels exist. Moreover, the navigation "can" be performed without clicking as specifically suggested by Chang.

In summary and in contrast to Appellants argument the prior art appears to teach at least one example of the broad features of claim 1, based on the evidence cited above.

Art Unit: 2179

Claim 2

Appellant's argument that the office action ignores some of the limitations of claim 2

Appellant argues that the office action ignores elements of claim 2 because it is not enough for the prior art of Gennaro to just enable the user to retrieve with one click any desired content page within a structure. They argue that the claim further requires “one single command to retrieve any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure” (See Brief page 17, bottom and page 18, top).

The Examiner respectfully disagrees.

First, for the sake of brevity the examiner response to claim 1 is incorporated here within, as applicant presents the same argument as presented in claim 1. Therefore, Gennaro in view of Chang show how the skilled artisan can move a mouse cursor from embedded menu to embedded menu to see sublevel menus with the modified feature of Chang that provides visual indications of sublevels to view related object information. Chang and Gennaro both teach the menus are links to related pages.

Second, Appellant has provided no evidence as to why the prior art of Gennaro does not disclose the limitation of “one single command to

Art Unit: 2179

retrieve any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure”, as recited in the claim. The Brief simply concludes that Gennaro does not disclose the feature on page 18, top. The evidence provided is to Chang on how Chang does not teach that “two subordinate boxes at the same level can be opened at the same time and not two boxes in different paths can be opened” (See page 18, top). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “two subordinate boxes at the same level can be opened at the same time and not two boxes in different paths can be opened”) are not recited in the rejected claim(s) “2”. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 2, simply does not recite that two levels of the structure can be opened at the same time and viewed and where two different paths can be viewed, therefore this argument is considered moot.

Claim 22

Appellant argues the same limitations of claim 1 and 2 and thus the examiner incorporates the rejection of claim 1 and 2 and the response to Appellant shown above to claim 1 and 2, here within.

Art Unit: 2179

Claim 29

Appellant argues the same limitations of claim 1 and 2 and thus the examiner incorporates the rejection of claim 1 and 2 and the response to Appellant shown above to claim 1 and 2, here within.

Further Appellant argues that Gennaro does not disclose "a single click to return to any previous webpage of the plurality of linked pages because they do not interpret Gennaro as disclosing that a user has navigated from pages 52-54 to reach page 56 can return to page 52 with a single click (See page 19, middle). The Examiner respectfully disagrees.

Appellant has provided no evidence as to why the prior art of Gennaro does not disclose the limitation and simply concludes with a reasoned statement that Gennaro does not disclose the feature. No evidence is presented for claim 29 that Gennaro in view of Chang cannot show the feature. The rejection of claim 29 is based on Gennaro in view of Chang.

In contrast, and presented in the rejection above Gennaro teaches the user can move a cursor from menu to menu to see a given menu option without clicking. The final rejection above refers to col. 4, lines 40-67 where Gennaro simply suggests the user can return to any menu that they previously visited because they can simply move back through the linked pages on the path. Gennaro suggests in the same section that the user can move pointer over any of the hot spots associated with the menu which provides links to "other pages"

Art Unit: 2179

and resources. Gennaro also suggests that the movement from menu to menu can be performed by a click (See col. 4, lines 15-30). Thus, other pages and accessing by a click appears to be shown in Gennaro.

Moreover, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim 52

Appellant argues the same limitations of claim 1 and thus the examiner incorporates the rejection of claim 1 and the response to Appellant shown above to claim 1 here within.

Further Appellant argues that claim 52 requires a "presence of a gateway symbol to the structure on a least some of the pages and states that is appears that the references do not disclose a gateway symbol to the structure on the page and further argues that the office action appears to ignore the feature (See Brief page 20, middle).

The Examiner respectfully disagrees.

The final action states on page 16, that the rejection of claim 1 and 31 are incorporated into claim 52 because substantially similar functionality is recited in

Art Unit: 2179

claim 52 as claims 1 and 31 and claim 52 was rejected along the same rationale.

In the rejection of claim 31, the examiner referred to claims 31-49 as being rejected along the same rationale as claims 1-21. Thus, the rejection of claim 3 has been incorporated into claim 52. Claim 3 refers to a starting symbol on a page and therefore the claim feature was addressed on page 7 of final rejection where Gennaro shows symbol 44 (e.g. circle) as a gateway to the structure as selecting and presenting a link with a halo is a graphical symbol. Therefore, the limitation was rejected and as argued was shown in Gennaro.

Finally, the Appellant has simply provided no evidence as to why the skilled artisan would not use the teachings of Gennaro in view of Chang to show a graphical symbol on a web page that a user can select to access the structure. They did not appear to consider the circles of Gennaro displayed on the web page as symbols and where the user moves the cursor over the circle to access the menu. Nor did they consider the Menu of Chang that can access an icon to display a submenu where an icon can be a symbol. Thus the prior art of Gennaro and Chang, as rejected teach the features of the claim simply because Appellant has not followed the rejection as specified in the final rejection and for not presenting evidence as to why the prior art cannot teach the features of the claim 52.

Art Unit: 2179

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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